

SMART & BIGGAR*Intellectual Property & Technology Law***To Fax no.:** 571-273-8300**Page 1 of:** 8**Attention:** **MAILSTOP AF**
(Examiner NGUYEN, Tuan Hoang,
Group Art Unit 2618)**From:** R. Allan Brett**Your file no.:** 10/787,302**Reply to Ottawa file no.:** 51085-4 /acyP.O. Box 2999, Station D
55 Metcalfe Street, Suite 900
Ottawa, Canada K1P 5Y6Tel.: (613) 232-2486
Fax: (613) 232-8440**RECEIVED**
CENTRAL FAX CENTER**AUG 13 2007****Date:** August 13, 2007**Time:****Certificate of Transmission**

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office Fax. No.
(571) 273-8300 on August 13, 2007.

type or printed name of the person signing this certificate

R. Allan Brett (Reg. No. 40,476)

Signature _____

If there are any transmission problems, please call (613) 232-2486.

Original copy and any enclosures

☒ will☐ will not

be sent by

☒ mail☒ courier

The information contained in this transmission is confidential and only for the intended recipient identified above. If you are not the intended recipient, you are hereby notified that any dissemination or use of this communication is unlawful. If you have received this transmission in error, please immediately notify us by telephone (collect). Return the original message to us and retain no copy.

**RECEIVED
CENTRAL FAX CENTER****AUG 13 2007**


Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		51085-4	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.51] on _____ Signature _____ Typed or printed name _____		Application Number	
		10/787,302	
		Filed	
		February 27, 2004	
		First Named Inventor	
		RAO, Padakandla Krishna	
		Art Unit	Examiner
		2618	Tuan Hoang Nguyen
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 40,478			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
		 Signature R. Allan Brett Typed or printed name 613-232-2486 Telephone number August 13, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			

<input type="checkbox"/>	Total of _____ forms are submitted.
--------------------------	-------------------------------------

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.0. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

AUG 13 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/787,302 Confirmation No. 6560
Applicant : Padakandla Krishna Rao
Filed : February 27, 2004
TC/A.U. : 2618
Examiner : Tuan Hoang Nguyen

Docket No. : 51085-4
Customer No. : 07380

MAILSTOP AFTER FINAL
EXPEDITED HANDLING REQUESTED

Commissioner for Patents
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the rejections set out in the Final Action dated June 13, 2007 in connection with the above-identified application. A Notice of Appeal has been submitted concurrently herewith.

Claim Rejections under 35 USC 102 and 35 USC 103

The Examiner has rejected claims 1-2, 13-14, 20-21 and 23-26 under 35 USC 102(a) as being anticipated by European Patent No. 1 330 138 ("Valentine"). The Examiner has also rejected claims 3-12, 15-19 and 22 under 35 USC 103(a) as being unpatentable over Valentine in view of other cited art. However, for reasons detailed below, it is apparent that the Examiner's rejection of these claims is completely improper.

Claim 1

Applicant provided remarks for overcoming the Examiner's rejections in the Response dated April 16, 2007. The Examiner responded in the Advisory Action dated June 13, 2007 indicating that Applicant's arguments are "not persuasive". However, it is apparent that the Examiner has not even considered all of Applicant's arguments. Specifically, the Examiner has completely ignored Applicant's arguments that Valentine does not teach a user device operable to "make information pertaining to the

Appl. No. 10/787,302

provisioned talkgroup identifiers available to a user of the user device" as recited in claim 1. These arguments are found in the Response dated April 16, 2007 on page 7, lines 12-29, which is reproduced below.

The present application is concerned with the problem of informing users of talk groups that are provisioned, typically at the time of service activation, but that the user is unaware of or may have forgotten. Applicant notes that there may be a plurality of talk groups provisioned for the user device. A problem that Applicant has recognized is that the user may forget which talkgroups are provisioned for the user device. Accordingly, the user device is operable to "make information pertaining to the provisioned talkgroup identifiers available to a user of the user device" as recited in claim 1. This allows the user to become aware or be reminded of each talk group that has been provisioned for the user device. The Examiner contends that Valentine teaches this subject matter in Figure 3 and column 8, lines 24-31 (i.e. paragraph 0052). Applicant respectfully disagrees. Paragraph 0052 of Valentine teaches that "The MS 112 receives the new TGID code(s) in step 310, and updates its scan list, as shown in step 312." However, note that Valentine does not teach that the MS is operable to "make information pertaining to the provisioned talkgroup identifiers available to a user of the user device" as recited in claim 1. Rather, Valentine teaches that "If the MS wishes to initiate a location-specific group call, the MS then uses the newly assigned TGID code." There is no apparent need in Valentine for the user of the MS to be provided with information pertaining to the new TGID code. Rather, the MS simply uses the new TGID code for initiating a location-specific group call.

With reference to the arguments reproduced above, Applicant has clearly shown that Valentine does not teach a user device operable to "make information pertaining to the provisioned talkgroup identifiers available to a user of the user device" as recited in claim 1. The Examiner has not been able to point to any prior art that teaches this subject matter. Moreover, it is clear from the Advisory Action dated June 13, 2007 that the Examiner has completely ignored Applicant's arguments on this issue. On this basis alone, the Examiner's continued rejection of claim 1 is clearly without basis and a careful review of the rejection is therefore required.

Furthermore, Valentine does not teach a user device "adapted to obtain from the dispatch network a user-device specific set of at least one provisioned talk group identifier" (emphasis added)

Appl. No. 10/787,302

as recited in claim 1. Applicant argued in the Response dated April 16, 2007 that the talk groups and associated talk group identifier codes in Valentine are location-specific, and not user-device specific as in the present application. However, in the Advisory Action dated June 13, 2007 the Examiner appears to disregard these arguments on the basis of Valentine's teaching in column 7, lines 1-5, which is reproduced below.

The memory device 216 stores a wide array of MS-specific data, such as decoding/encoding functions, neighbour and serving cell information relating to timing, frequency channels, power control and the like, as well as the TGID codes to be scanned when in a particular cell. (Emphasis added)

Applicant appreciates that this passage states "MS-specific data" and "TGID codes". However, this does not mean that the TGID codes are MS-specific. The passage provides examples of MS-specific that ends with "power control and the like". The passage goes on to indicate that the memory device 216 stores "TGID codes to be scanned in a particular cell". The storing of the TGID codes is not to be confused with the examples of the MS-specific data. Valentine makes a distinction between the examples of the MS-specific data and the TGID codes with the text ", as well as". Also, in stating that the TGID codes are "to be scanned when in a particular cell", Valentine indicates that the TGID codes are location-specific, and not MS-specific.

The only reasonable interpretation of Valentine's teaching in column 7, lines 1-5 is that the TGID codes are location-specific, and not MS-specific. Moreover, it is unreasonable to interpret this passage to mean that the TGID codes are MS-specific because this would be contradictory to Valentine's disclosure as a whole. Other portions of Valentine clearly indicate that the TGID codes are location-specific and not MS-specific data. For example, Valentine teaches in paragraph 0052 that if the registration is successful, then "the serving BTS assigns and/or transmits one or more TGID codes to the MS, related to location specific group calls in its coverage area" (emphasis added). The MS receives the new TGID code(s) and updates its scan list. Paragraph 0052 explicitly teaches that the TGID codes correspond to "location specific" group calls, which indicates that the TGID codes are also location specific. Other portions of Valentine make it clear that the TGID codes are location specific. For example, the first step of claim 1 of Valentine recites "assigning (308) dynamically a location specific group identification code to a group of communication units

Appl. No. 10/787,302

based upon said communication units' location or cell within the radio communication system (100)" (emphasis added). This clearly suggests that the TGID codes are location specific and relate to location specific group calls. This teaches away from Applicant's claimed user-device specific talk group identifiers.

The Examiner appears to have rejected Applicant's arguments on the basis of an improper interpretation of Valentine's teaching in column 7, lines 1-5. This is a clear error on part of the Examiner. The Examiner's rejection of claim 1 is therefore without basis and a careful review of the rejection is therefore required.

Claims 2-12 and 20-24

Claims 2-12 and 20-24 similarly include the feature of a user device operable to make information pertaining to the provisioned talkgroup identifiers available to a user of the user device. As noted above, the Examiner has ignored the fact that Valentine does not teach this subject matter. On this basis alone, the Examiner's rejection of claim 2-12 and 20-24 is clearly without basis and a careful review of the rejection is therefore required.

Furthermore, these claims similarly define that the provisioned talkgroup identifiers are user-device specific. As noted above, with a reasonable interpretation of Valentine, it is clear that Valentine does not teach this subject matter. Therefore, the Examiner's rejection of claim 2-12 and 20-24 is without clearly basis and a careful review of the rejection is therefore required.

Claims 13-19, 25 and 26

Claims 13-19, 25 and 26 similarly define that the provisioned talkgroup identifiers are user-device specific. As noted above, with a reasonable interpretation of Valentine, it is clear that Valentine does not teach this subject matter. Therefore, the Examiner's rejection of claim 13-19, 25 and 26 is without basis and a careful review of the rejection is therefore required.

In view of the foregoing, it is clear that the Examiner's rejection of claims 1-26 is improper. Applicant respectfully requests reconsideration of the Examiner's rejection.

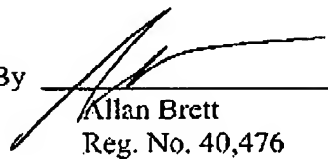
Appl. No. 10/787,302

Favourable consideration is earnestly requested.

Respectfully submitted,

PADAKANDLA KRISHNA RAO

By



Allan Brett
Reg. No. 40,476

Date: August 13, 2007

RAB:PDB:mcg